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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 DEMARIAN CLEMONS,
9

10 *Plaintiff,*

11 vs.

12 NAPHCARE, INC., *et al.*

13 *Defendants.*

14 2:10-cv-00406-KJD-LRL

15 ORDER

16 Plaintiff, a prisoner in state custody, has filed an application (#1) to proceed *in forma*
17 *pauperis* seeking to initiate a civil rights action.

18 The application submitted is incomplete. Plaintiff did not attach an inmate account
19 statement. Both a properly executed financial certificate and a statement from the plaintiff's
20 inmate trust fund account for the past six months are required by 28 U.S.C. § 1915(a)(2) and
Local Rule LSR1-2.

21 IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis*
22 is DENIED.

23 IT FURTHER IS ORDERED that this action shall be DISMISSED without prejudice to
24 plaintiff's commencement of a new action in which he submits a new complaint and either
25 pays the \$350.00 filing fee or submits a new properly completed application to proceed *in*
26 *forma pauperis*, with both a new properly executed financial certificate and copy of his inmate
27 trust fund account statement.

1 IT FURTHER IS ORDERED that the Clerk of Court shall send plaintiff two copies each
2 of a civil rights complaint form and an application form to proceed *in forma pauperis* for
3 incarcerated persons, along with a copy of the instructions for each form. The Clerk further
4 shall return a copy of the papers that plaintiff submitted in this action.

5 The Clerk of Court shall enter final judgment accordingly, dismissing this action
6 without prejudice to the timely filing of a new complaint in a new action with a properly
7 completed pauper application.

8 DATED: June 17, 2010



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11 KENT J. DAWSON
12 United States District Judge
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